



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: 2005-00122-J2

Issue Date: April 18, 2005

Expiration Date: May 18, 2005

To Whom It May Concern:

The New York District, U.S. Army Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Port Authority of New York and New Jersey
225 Park Avenue South, 18th Floor
New York, NY 10003

ACTIVITY: Dredge with ten years maintenance with disposal at a state-approved upland site, no barge overflow and the discharge of decanted water into waters of the United States.

WATERWAY: Port Jersey Channel, Upper New York Bay, New York Harbor

LOCATION: City of Jersey City, Hudson County, New Jersey.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The Corps of Engineers neither favors nor opposes the proposed work. The purpose of this public notice is to afford the Corps of Engineers the opportunity to hear from the general public on the application which is before the agency in order to acquire information which will be considered in evaluating the proposal.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

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ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect the shortnose sturgeon (*Acipenser brevirostrum*) or its critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). A preliminary review of the proposal and information submitted by the applicant indicates that the overall potential impact on EFH for designated species is very small because of the temporary nature of the disturbance, the lack of specialized habitat in the area, and that most EFH designated species are in low abundance in the project area because they are normally in transit through the area. Among the list of EFH designated species known to occur at the project site, the most likely to be impacted would be spawning and early-life stage development (nursery) habitat for winter flounder. The primary effects on Essential Fish Habitat (EFH)(and EFH-managed species) would be a temporary increase in turbidity due to dredging and disruption of demersal and pelagic habitat. Upland placement of dredged materials would not have any effect on EFH. Impacts from the dredging would be short-lived episodes which are expected to last a total of approximately one week. Based upon the foregoing, the U.S. Army Corps of Engineers New York District Regulatory Branch has made the preliminary determination that the site-specific adverse effects are not likely to be substantial. Therefore, the EFH assessment does not recommend mitigation for the proposed impacts. However, consultation with the National Marine Fisheries Service regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to a final permit decision.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act. The applicant obtained a water quality certificate from the New Jersey Department of Environmental Protection on January 25, 2005, in accordance with Section 401 of the Clean Water Act.

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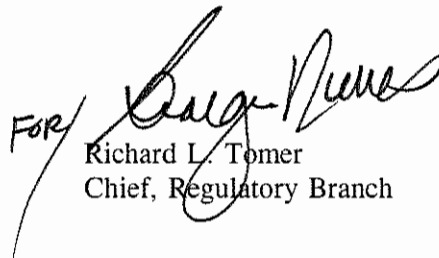
Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. For activities within the coastal zone of New Jersey the applicant's certification and accompanying information is available from the New Jersey Department of Environmental Protection, Bureau of Coastal Regulation, CN 401, 501 East State Street, Second Floor, Trenton, New Jersey 08625-0401, Telephone Number (609) 633-2289. Comments regarding the applicant's certification should be so addressed. The applicant obtained concurrence from the New Jersey Department of Environmental Protection on January 25, 2005.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained the following governmental authorization for the activity under consideration:

New Jersey Department of Environmental Protection Waterfront Development Permit and Acceptable Use Determination dated January 25, 2005

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8413 and ask for Brian A. Orzel.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>

For 
Richard L. Tomer
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

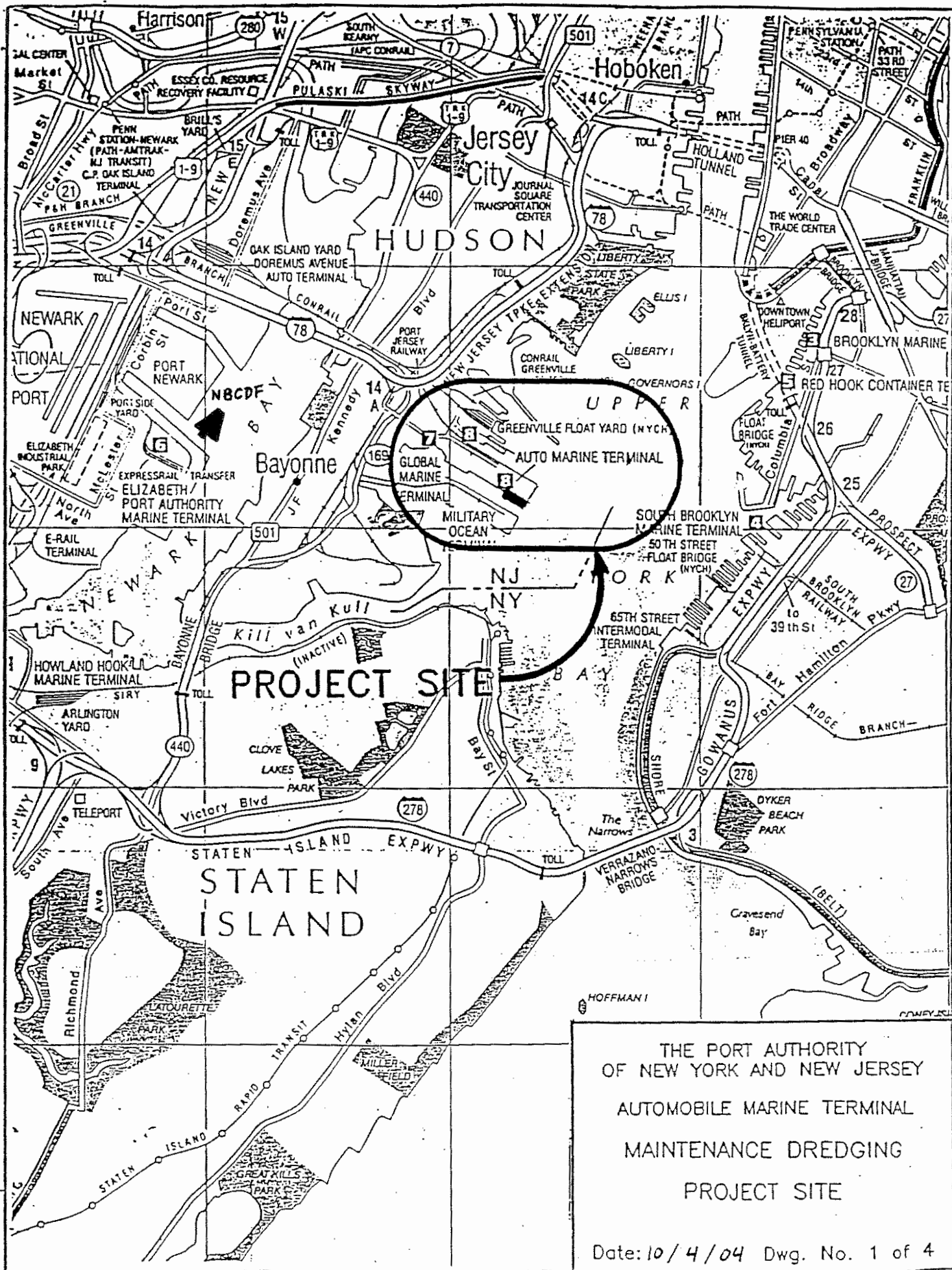
The applicant, the Port Authority of New York and New Jersey, has requested Department of the Army authorization to maintenance dredge material from the Automobile Marine Terminal within the Port Jersey Channel, Upper New York Bay, New York Harbor with disposal at a state-approved upland site. The Automobile Marine Terminal is located in the City of Jersey City, Hudson County, New Jersey.

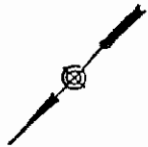
The work would involve dredging approximately 18,078 cubic yards of sediment from two berthing areas covering an area with maximum dimensions of 2,370 feet by 160 feet (379,200 square feet). Dredging would be undertaken, using a closed (environmental) clamshell bucket, to a maximum depth of 32 feet below the plane of mean low water with an allowable 2 foot overdepth. The dredged material would be placed in barges, with no barge overflow. After the barges are loaded, they would be temporarily moored within the dredge site and the dredged material allowed to settle. After settling, excess water would be pumped into a second barge. The dredged material in the first barge would be towed to a location where it can be dewatered, physically amended and disposed of at a state-approved upland site. The water in the second barge would be allowed to settle for approximately 24 hours, and at that time, the excess water would be discharged (decanted) back into the waterway, while still within the dredge site. The applicant estimates that the dredging activity would take approximately 1 week.

Sediments from the Automobile Marine Terminal were sampled and tested for upland beneficial use in New York and New Jersey in accordance with a guidance letter provided by the New Jersey Department of Environmental Protection on July 8, 2004. As a contingency, if no upland beneficial use site is available, the applicant proposes to place this material at the Newark Bay Confined Disposal Facility (in accordance with all applicable rules regulating its use), located in Newark Bay, in the City of Newark, Essex County, New Jersey.

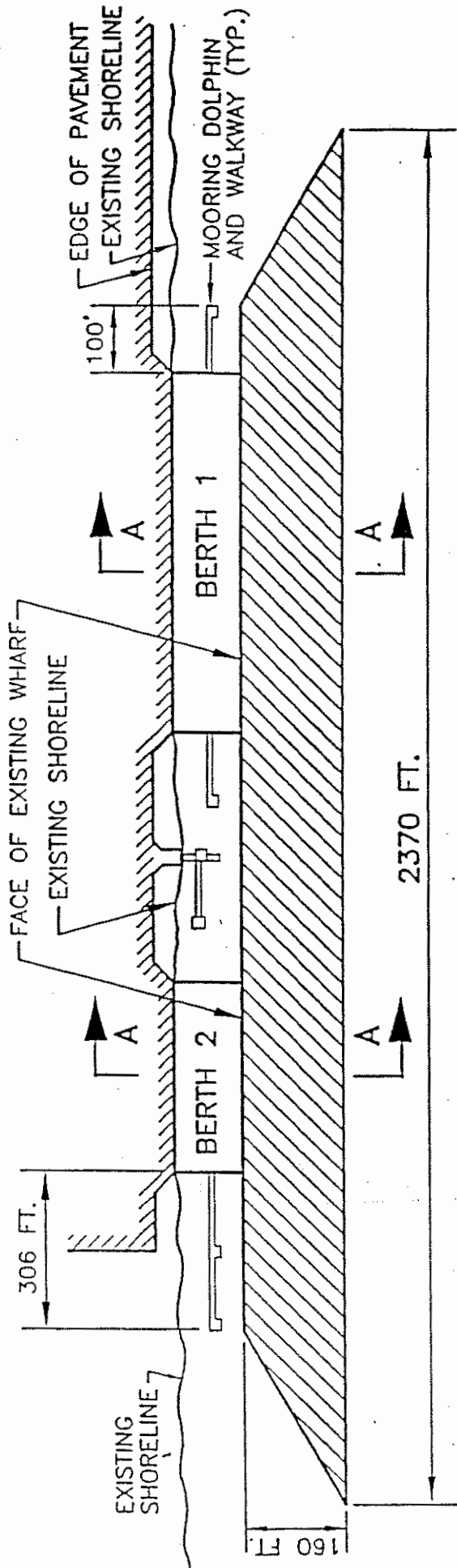
The applicant anticipates performing two additional dredging cycles over the ten year life of the permit with the dredge material being disposed of at a state-approved upland site that is available at that time.

The stated purpose of this project is to assure adequate water depths for the continued safe navigation of auto-carrying ships at the existing facility.





PAVED UPLAND



PORT JERSEY CHANNEL

LOCATION PLAN

N.T.S.

LEGEND:



INDICATES AREAS TO BE DREDGED IN PLAN VIEW

THE PORT AUTHORITY
OF NEW YORK AND NEW JERSEY
AUTOMOBILE MARINE TERMINAL
MAINTENANCE DREDGING
PLAN VIEW OF DREDGING

Date: 10/4/04 Dwg. No. 2 of 4

ABBREVIATIONS:

M.L.W. MEAN LOW WATER
ELEV. ELEVATION
DWG. DRAWING
NO. NUMBER
N.T.S. NOT TO SCALE

GROUND SURFACE

FACE OF BERTH 2
FACE OF BERTH 1

M.L.W. ELEV. -2.35

10'
150'
LIMIT OF DREDGING

APPROXIMATE EXISTING BOTTOM

NATURAL SLOPE

2' ALLOWABLE OVERDREDGE
DREDGE LINE
NATURAL SLOPE

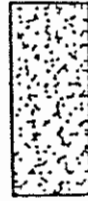
SECTION A-A

N.T.S.

LEGEND:



INDICATES LIMITS OF DREDGING IN SECTIONAL VIEW



INDICATES MATERIAL SLOUGHING IN FROM SIDE SLOPES IN SECTIONAL VIEW. NO DREDGING ALLOWED IN THIS AREA.

THE PORT AUTHORITY
OF NEW YORK AND NEW JERSEY
AUTOMOBILE MARINE TERMINAL
MAINTENANCE DREDGING

CROSS SECTIONAL
VIEW OF DREDGING

Date: 10/4/04 Dwg. No. 3 of 4

